

### **REMARKS**

Claims 1, 3-7, and 9-17 are now pending in the application. Minor amendments have been made to Claims 1 and 4 to simply overcome the objections to the specification and rejections of the claims under 35 U.S.C. § 112. By way of this Amendment, Claims 9 – 17 have been added, Claims 1, 3 – 4, and 6 have been amended, and Claims 2 and 8 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Support for the amendments can be found throughout the specification and no new matter has been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1 – 5 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner's attention is directed to Claims 1 and 4, which have been amended to comply with the requirements of 35 U.S.C. § 112, second paragraph. Reconsideration and withdrawal of the present rejection are therefore respectfully requested.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1 – 2, 4, and 6 – 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Neuberger et al. (U.S. Publication No. US 2004/0227056). This rejection is respectfully traversed.

It is respectfully submitted that the prior art of record neither discloses nor suggests the claimed invention, as amended. The Examiner states that Neuberger “discloses the calibration system used for a single device or a system, which implies a plurality of radiation sources” at paragraph 7 of the reference. However, Neuberger discloses an autocalibrating medical laser system which only allows for “*a single radiation source* to be calibrated with one device for use with a wide variety of radiation delivery systems...” See Neuberger, paragraph 8. In fact, the “system” referred to at paragraph 7 of Neuberger refers not to a system implying multiple laser sources, but a system having one laser source and the ability to be coupled with a variety of delivery systems. The “source and calibration subsystem [of Neuberger] are generally an integrated unit,” such that the calibration subsystem of Neuberger could only be used with one radiation output device. See Neuberger, paragraph 7.

The Examiner further states that Neuberger “discloses storing the characteristics of the delivery systems” at paragraph 15 of the reference. However, the device of Neuberger simply does not have the ability to calibrate a laser system to account for the coupling of a variety of laser sources with a variety of optical bundles. Nowhere within the reference does Neuberger disclose or suggest the testing of a statistical sample of both laser sources and optical bundles to determine a laser calibration factor and an optical bundle calibration factor which represent not only the characteristics of the laser

sources and optical bundles themselves, but also the characteristics of the coupling of each of the various laser systems with each of the various optical bundles. Neuberger fails to disclose or suggest any understanding of the effect of coupling various laser sources with various optical bundles.

It is therefore respectfully submitted that Neuberger neither discloses nor suggests the invention as presently claimed. Further, Claims 3, 5, and 7 depend directly from Claims 1, 4, and 6, respectively, and are therefore also believed to be in condition for allowance for the reasons discussed regarding Claims 1, 4, and 6. Reconsideration and withdrawal of the present rejection is therefore respectfully submitted.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that Claims 3 and 5 would be allowable if rewritten in independent form. Applicants acknowledge the Examiner's indication of allowable subject matter. However, in view of the foregoing amendments and remarks, Applicants believe that base Claims 1 and 4 are now allowable. Accordingly, Applicants do not believe it is necessary to present Claims 3 and 5 in independent form.

#### **NEW CLAIMS**

Claim 9 has been added to the application and recites a "method of feedback control of a laser system...comprising: measuring a response slope of a sample of laser and optical bundle combinations; [and] calculating a laser calibration factor and an optical bundle calibration factor based upon said response slope of said laser and

optical bundle combinations..." See Specification, paragraphs 17 and 18. Claim 13 has also been added and recites a similar limitation.


The prior art of record neither discloses nor suggests the calibration of a laser system using both a laser calibration factor and an optical bundle calibration factor, where both calibration factors are calculated using a response slope of a sample of laser and optical bundle combinations. It is therefore respectfully submitted that Neuberger neither anticipates nor renders obvious the invention as presently recited in Claims 9 and 13. Further, Claims 10 – 12 and 14 – 17 depend from Claims 9 and 13, respectively, and are therefore also believed to be in condition for allowance for the reasons cited above.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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